

TAB 5

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

_____	x	
	:	
THE CITY OF HUNTINGTON,	:	Civil Action
	:	
Plaintiff,	:	No. 3:17-cv-01362
	:	
v.	:	
	:	
AMERISOURCEBERGEN DRUG	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	

_____	x	
	:	
CABELL COUNTY COMMISSION,	:	Civil Action
	:	
Plaintiff,	:	No. 3:17-cv-01665
	:	
v.	:	
	:	
AMERISOURCEBERGEN DRUG	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	

BENCH TRIAL - VOLUME 15
BEFORE THE HONORABLE DAVID A. FABER, SENIOR STATUS JUDGE
UNITED STATES DISTRICT COURT
IN CHARLESTON, WEST VIRGINIA

MAY 21, 2021

1 **A.** We're trained to look for red flags. And part of that
2 what you're saying is that the combinations of the Oxys,
3 yes, it could be an issue.

4 **Q.** It could be an indicator that there's an issue; right?

5 **A.** Yes.

6 **Q.** Okay. Then if we go down to N, it says, "In
7 combination, oxycodone 15 and 30 milligram IR dosage units
8 are less than 50 percent of all oxycodone family dosage
9 units shipped."

10 It says, "no."

11 Do you see that?

12 **A.** That's what this document says, yes.

13 **Q.** And if you turn to the next page, and let's just go
14 right to the bottom, it says, "For oxycodone 71 percent of
15 all oxycodone dispensed in a three-month period were 15 and
16 30s."

17 Do you see that?

18 **A.** That's what it says, yes.

19 **Q.** That would be a red flag; right?

20 **A.** I -- I'm not -- I don't have all the information.

21 **Q.** Sure. But based on your training, that type of
22 percentage of 30s and 15s would be at least a red flag?

23 **A.** I don't have all the information.

24 **Q.** Okay. And then it says, "Based on CAH," which means
25 Cardinal Health, "sales data did any the drug families of

1 **A.** Never.

2 **Q.** You were asked a few questions by Mr. Fuller about the
3 Medicine Shoppe in Huntington.

4 **A.** Yes.

5 **Q.** And he put up a document that referred to the closing
6 of a SafeScript Pharmacy down the road a little bit. Do you
7 recall that?

8 **A.** Yes.

9 **Q.** Did you personally have any concerns about the fact
10 that Medicine Shoppe was potentially picking up new
11 customers from SafeScript after that pharmacy was closed?

12 **A.** No.

13 **Q.** And why is that?

14 **A.** If I remember correctly, the information was that this
15 was -- I'm not sure. I get conflicted with the different --
16 there was some pediatric business they were picking up I
17 think for SafeScript, and that wouldn't be normally
18 something that would be diverted.

19 **Q.** Okay. In your experience with Safe- -- I'm sorry --
20 with Medicine Shoppe I believe you said you normally dealt
21 with the PIC or the owner; correct?

22 **A.** Yes.

23 **Q.** Did you deal with -- I believe one of them is Angela
24 Ronk; is that right?

25 **A.** She is the owner now. There's documents at different

1 time frames. Joe was the owner in some of these. Angie is
2 the owner now.

3 **Q.** And with respect to both Joe and Angie, if I might ask
4 about them together, did you know them to be careful,
5 responsible pharmacists?

6 **A.** Very professional pharmacists.

7 **Q.** Mr. Fuller asked you a question and he referred to the
8 fact that Medicine Shoppe is a franchise. Do you remember
9 that?

10 **A.** Yes.

11 **Q.** And does Cardinal Health own the franchise Medicine
12 Shoppe? Is that your understanding?

13 **A.** Yes. It's the Medicine Shoppe and Medicap franchise.

14 **Q.** Does Cardinal Health own the stores, the Medicine
15 Shoppe stores themselves?

16 **A.** No, they do not.

17 **Q.** Okay. And does Cardinal Health manage the Medicine
18 Shoppe stores?

19 **A.** No.

20 **Q.** Was there anything different about your role as the PBC
21 with respect to Medicine Shoppe because it was a franchise?

22 **A.** A role as far as what?

23 **Q.** That's a good clarification, Mr. Kave. As far as the,
24 the liaison of anti-diversion services that you provide.

25 **A.** No. The information was communicated with them just as